

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawing includes changes to FIGURE 2.

Attachments:      One Replacement Sheet - FIGURE 2  
                          **One Annotated Sheet showing changes - FIGURE 2**

## **REMARKS**

In response to the Office Action of December 17, 2008, attached is a Replacement Drawing Sheet of FIGURE. 2 that deletes the pneumatic cylinder 130. In addition, the specification has been amended to delete reference to numeral 130 and to remove the material added to page 9 that was objected to for introducing new matter. Withdrawal of the objections to the drawings and the specification is therefore requested.

In response to the rejection of the claims under § 112, second paragraph, claim 1, line 7 has been amended to refer to "the" tray engaged on the trap door. Obviously, the tray is not a part of the claimed refuse bin but is necessary to describe the features of the device. Hence, it is introduced as "a tray with waste on the tray" and is thereafter referred to as "the tray." Withdrawal of the rejection of the claims under § 112, second paragraph is therefore requested.

In the Office Action, the Examiner rejected claims 1-4 and 6 under 35 U.S.C. § 103(a) for being obvious over Kajimura Bumpei (JP 05124708) and claim 9 over Bumpei in view of Chen (US 5,667,136).

In response, Applicant has amended claim 1 to include the subject matter of claim 5, which has been cancelled. Since the Examiner indicated that claim 5 contained allowable subject matter, it is believed claim 1 and claims 2-4, 6 and 9 dependent therefrom are now in condition or allowance. Such action is therefore requested.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this

Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: December 17, 2009

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                              **One Annotated Sheet showing changes - FIGURE 2**

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